

PROPOSED ORDINANCE
FIRST READING 10/22/2007

ORDINANCE NO. 2007-234

AN ORDINANCE VACATING TWO 5-FOOT UTILITY AND DRAINAGE EASEMENTS BETWEEN LOTS 4 AND 5 IN DINGES-BERGERON SUBDIVISION IN ORDER TO COMBINE THE LOTS FOR 106 IVORY PLACE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA, SITTING IN REGULAR SESSION ON THIS THE _____ DAY OF _____, 2007 AS FOLLOWS:

Section 1: The City Council of the City of Madison, Alabama finds that an application has been presented to the City of Madison requesting: **VACATION OF TWO 5-FOOT UTILITY AND DRAINAGE EASEMENTS BETWEEN LOTS 4 AND 5 IN DINGES-BERGERON SUBDIVISION IN ORDER TO COMBINE THE LOTS FOR 106 IVORY PLACE**; that the applicant has represented to the City of Madison that William D. Dinges and Bryan F. Bergeron are the owners of the property across which said easement lies; and that said easement or portion being vacated is not presently used and is no longer needed for public or municipal purposes.

Section 2: Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Madison, Alabama, is hereby authorized, requested, and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

ALL THAT PART OF THE EAST HALF OF SECTION 20, TOWNSHIP 4 SOUTH, RANGE 2 WEST OF THE HUNTSVILLE MERIDIAN, MADISON COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF THE EAST BOUNDARY OF SAID SECTION 20; THENCE NORTH 88 DEGREES 43 MINUTES 07 SECONDS WEST, 40.00 FEET TO A POINT; THENCE SOUTH 02 DEGREES 26 MINUTES 53 SECONDS WEST, 5.00 FEET; THENCE SOUTH 07 DEGREES 09 MINUTES 53 SECONDS WEST, 222.36 FEET TO A POINT; THENCE SOUTH 64 DEGREES 34 MINUTES 53 SECONDS WEST, 200.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY MARGIN OF MADISON BOULEVARD AND THE SOUTHEAST CORNER OF LOT 3 OF DINGES-BERGERON SUBDIVISION AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, PLAT BOOK 15, PAGE 53; THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 3 AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY MARGIN SOUTH 64 DEGREES 35 MINUTES 53 SECONDS WEST, 93.18 FEET TO A 1/2 INCH REBAR AT THE SOUTHEAST CORNER OF LOT 2 OF A REPLAT OF LOTS 1 AND 2 OF DINGES-BERGERON SUBDIVISION AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA IN DOCUMENT NUMBER 20070212000104760; THENCE ALONG THE SOUTH BOUNDARY OF SAID LOT 2 AND CONTINUING ALONG SAID NORTH RIGHT-OF-WAY MARGIN SOUTH 64 DEGREES 35 MINUTES 12 SECONDS WEST, 153.95 FEET TO A 1/2 INCH REBAR AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE LEAVING SAID NORTH RIGHT-OF-WAY MARGIN AND ALONG THE WEST BOUNDARY OF SAID LOT 2 NORTH 25 DEGREES 28 MINUTES 11 SECONDS WEST, 259.95 FEET TO A 1/2 INCH CAPPED REBAR STAMPED "JOHNSON CA0193LS" AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 64 DEGREES 31 MINUTES 06 SECONDS WEST, 28.68 FEET TO A 5/8 INCH REBAR; THENCE SOUTH 64 DEGREES 31 MINUTES 32 SECONDS WEST, 70.86 FEET TO A 1/2 INCH REBAR AT THE NORTHWEST CORNER OF LOT 1 OF SAID REPLAT OF LOTS 1 AND 2 OF DINGES-BERGERON SUBDIVISION; THENCE NORTH 02 DEGREES 23 MINUTES 35 SECONDS EAST, 176.09 FEET TO A 1/2 INCH CAPPED REBAR STAMPED "DALEY"; THENCE NORTH 56 DEGREES 23 MINUTES 24 SECONDS EAST, 24.73 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE FROM THE POINT OF BEGINNING NORTH 02 DEGREES 24 MINUTES 20 SECONDS EAST, 6.18 FEET TO A POINT; THENCE NORTH 56 DEGREES 23 MINUTES 24 SECONDS EAST, 219.39 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 55.00 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 31 DEGREES 04 MINUTES 37 SECONDS EAST, 5.00 FEET TO A POINT;

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THENCE CONTINUE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 55.00 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 36 DEGREES 02 MINUTES 57 SECONDS EAST, 5.00 FEET TO A POINT; THENCE SOUTH 56 DEGREES 23 MINUTES 24 SECONDS WEST, 226.65 FEET TO A POINT; THENCE NORTH 02 DEGREES 24 MINUTES 20 SECONDS EAST, 6.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.05 ACRES, MORE OR LESS.

READ, PASSED, AND ADOPTED this _____ day of _____, 2007.

Steve Haraway
President of the City Council
City of Madison, Alabama

ATTEST:

Melanie A. Williard, City Clerk-Treasurer

APPROVED this _____ day of _____, 2007.

Arthur S. Kirkindall, Mayor
City of Madison, Alabama